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ORIGINAL FILED  
 Superior Court of California  
 County of Los Angeles

JAN 27 2016

Attorney for Petitioner

By: [Signature], Deputy  
 Ishayla Chambers

[Signature: D. O'Donnell]  
 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 FOR THE COUNTY OF LOS ANGELES

CYNTHIA ANDERSON-BARKER,

Petitioner,

vs.

CITY OF LOS ANGELES, a municipal  
 corporation, and DOES 1 through 100, inclusive,

Respondents.

Case **BS 159845**

**VERIFIED PETITION FOR WRIT  
 OF MANDATE COMPELLING  
 DISCLOSURE OF PUBLIC  
 RECORDS, MATERIALS AND  
 INFORMATION**

(Cal. Gov't Code § 6258)

Petitioner alleges:

Jurisdiction

1. This Court has jurisdiction over this Petition pursuant to Cal. Gov't Code §§ 6258 and 6259.

Parties

2. Petitioner is CYNTHIA ANDERSON-BARKER, an individual.

3. Petitioner is informed and believes and based thereon alleges that respondent CITY OF LOS ANGELES ("City") is, at all times relevant hereto, a municipal corporation organized and existing under the laws of the State of California and is a "local agency" within the meaning of Cal. Gov't Code § 6252(b).

4. Petitioner is ignorant of the true names and capacities of the respondents sued herein by the

1 fictitious names of DOES 1 through 100 and Petitioner will ask leave of this Court to amend this Petition  
2 to set forth the true names and capacities of these respondents when their true names have been  
3 ascertained. Petitioner is informed and believes and based thereon alleges that DOES 1 through 100 are  
4 responsible in some manner for the occurrences herein alleged and Petitioner's damages as herein alleged  
5 were proximately caused by such occurrences.

6 5. Petitioner is informed and believes and based thereon alleges that at all times mentioned  
7 herein, each respondent was the agent, servant and employee of each remaining respondent and in doing  
8 all the things hereinafter alleged each respondent was acting within the course and scope of this agency  
9 and employment. Petitioner is informed and believes and based thereon alleges that the acts and conduct  
10 alleged herein of each such respondent were known to, authorized and ratified by each respondent.

#### 11 Facts

12 6. On or about December 15, 2015, by way of letters delivered by e-mail and U.S. postal mail  
13 to Office of the City Clerk for the City of Los Angeles and City of Los Angeles Department of  
14 Transportation General Manager Seleta Reynolds, under the California Public Records Act (CPRA)  
15 Petitioner requested that the City provide the disclosures and/or production of the following public  
16 writings (as defined by the CPRA):

- 17 ● All the City of Los Angeles' policies relating to Cal. Gov't Code §53075.61;
- 18 ● All training materials relating to the City of Los Angeles' enforcement of and/or conduct  
19 pursuant to Cal. Gov't Code §53075.61;
- 20 ● All City of Los Angeles' policies relating to Cal. Veh. Code §21100.4;
- 21 ● All training materials relating to the City of Los Angeles' enforcement of and/or conduct  
22 pursuant to Cal. Veh. Code §21100.4;
- 23 ● From January 1, 2008 through the present, all CHP 180 forms where a vehicle was seized  
24 pursuant to Cal. Veh. Code §21100.4 and at the direction of an employee of the City of Los  
25 Angeles;
- 26 ● From January 1, 2008 through the present, all VIIC data CHP 180 forms where a vehicle was  
27 seized pursuant to Cal. Veh. Code §21100.4 and at the direction of an employee of the City of  
28 Los Angeles. ("VIIC" means Vehicle Information Impound Center);

• From January 1, 2008 through the present, each and every “Order for Seizure of Vehicle and Affidavit” concerning a vehicle seized pursuant to Cal. Veh. Code §21100.4 and at the direction of an employee of the City of Los Angeles;

● From January 1, 2008 through the present, each and every “Statement of Reasonable Cause” signed by an employee of the City of Los Angeles and concerning a vehicle seized pursuant to Cal. Veh. Code §21100.4; and

• All “writings” (“writing” as defined by Cal. Evid. Code §250), showing the number of vehicles seized pursuant to Cal. Veh. Code §21100.4 and seized at the direction of an employee of the City of Los Angeles.

7. See **Exhibit A** hereto, true copy of Petitioner's December 15, 2015 letter.

2. Other than an e-mail response from the City Clerk stating its office is not responsible for producing the records, Respondent City has not responded to or acknowledged Petitioner's CPRA demand.

3. The records sought by Petitioner are “public” and not exempt from disclosure. Nonetheless, the City is refusing to provide the requested records as it is required to do so under the law.

4. Should Respondent's claim that it does not "own" the requested VIIC data, that assertion is false. The VIIC data is created pursuant to contracts between Respondent and privately-owned official police garages ("OPGs"). The contracts specifically provide that all records and data created and/or maintained by the OPGs and their agent, the Official Police Garage Association of Los Angeles ("OPG-LA"), a non-profit §501(c)(4) corporation, are owned by Respondent, and further that Respondent has unlimited use and access to the data and records.

## Grounds for Relief

5. According to the California Public Records Act (CPRA), a “public record” is “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics”; and a “writing” is any “handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation.” Government Code §§ 6252(e) and (f). The requested writings, materials and information are “public records” under the CPRA. Every citizen has

1 the right to inspect any public record at all times during the office hours of the local agency, unless the  
2 record is specifically exempt from disclosure.

3 6. There is no lawful or proper reason for Respondent's refusal to provide the records, materials  
4 and information Petitioner has requested. Respondent's wrongful refusal to provide the requested  
5 records, violates the CPRA and the United States and California Constitutions. This Court has  
6 jurisdiction to order the requested records disclosed at the earliest possible time. Furthermore, Petitioner  
7 is entitled to a mandatory award of attorneys' fees and costs incurred in bringing this Petition.

8 Relief Sought

9 7. Petitioner requests an Order of this Court compelling Respondent to immediately provide the  
10 records responsive to Petitioner's December 15, 2015, request for public records, or, in the alternative,  
11 to show cause why respondents should not do so at a hearing at the earliest possible time.

12 8. Petitioner requests that this Court order Respondent to pay Petitioner's attorneys' fees and  
13 reasonable expenses incurred in bringing this Petition and in obtaining the relief sought, in an amount  
14 to be shown according to proof.

15 WHEREFORE, Petitioner prays:

16 9. For an Order of this Court compelling Respondents, and each of them, to immediately provide  
17 the records, materials and information requested by Petitioner or, in the alternative;

18 10. For an Order of this Court compelling Respondent to allow access to the records responsive  
19 to Petitioner's requests, or to show cause why they should not do so at a hearing at the earliest possible  
20 time;


21 11. For an Order awarding reasonable attorney's fees;

22 12. For an Order awarding court costs and reasonable expenses; and

23 13. For such other and further relief as the Court may deem just and proper.

24 DATED: January 26, 2016

25 **DONALD W. COOK**  
26 Attorney for Petitioner

27 By   
28 Donald W. Cook

1                                   **VERIFICATION OF CYNTHIA ANDERSON-BARKER**

2           I, CYNTHIA ANDERSON-BARKER, declare:

3           I am the Petitioner in this action. I have read the foregoing Petition. The matters stated therein  
4 are true of my own personal knowledge except as to those matters alleged on information and belief and  
5 as to those matters, I believe them to be true.

6           Executed on January 16, 2016, at Los Angeles, California.

7  
8                                     
9                                   CYNTHIA ANDERSON-BARKER

**CYNTHIA ANDERSON-BARKER**

3435 Wilshire Blvd., Ste. 2910, Los Angeles, CA 90010

(213) 252-9444 / (213) 252-0091 facsimile

December 15, 2015

**By Email & U.S. Mail**

ladot@lacity.org & holly.wolcott@lacity.org

Office of the City Clerk  
City of Los Angeles  
200 North Spring Street  
Room 395, City Hall  
Los Angeles, CA 90012

General Manager Seleta Reynolds  
City of Los Angeles  
Department of Transportation  
100 S. Main Street, 10<sup>th</sup> Floor  
Los Angeles, CA 90012

Re: Public Records Act Request

Dear Sir/Madam:

Pursuant to Cal. Gov't Code §§6250 et seq., I request that the City of Los Angeles make available to me for inspection and copying, the following:

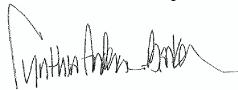
- All the City of Los Angeles' policies relating to Cal. Gov't Code §53075.61;
- All training materials relating to the City of Los Angeles' enforcement of and/or conduct pursuant to Cal. Gov't Code §53075.61;
- All City of Los Angeles' policies relating to Cal. Veh. Code §21100.4;
- All training materials relating to the City of Los Angeles' enforcement of and/or conduct pursuant to Cal. Veh. Code §21100.4;
- From January 1, 2008 through the present, all CHP 180 forms where a vehicle was seized pursuant to Cal. Veh. Code §21100.4 and at the direction of an employee of the City of Los Angeles;
- From January 1, 2008 through the present, all VIIC data CHP 180 forms where a vehicle was seized pursuant to Cal. Veh. Code §21100.4 and at the direction of an employee of the City of Los Angeles. ("VIIC" means Vehicle Information Impound Center);
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- From January 1, 2008 through the present, each and every "Statement of Reasonable Cause" signed by an employee of the City of Los Angeles and concerning a vehicle seized pursuant to Cal. Veh. Code §21100.4; and
- All "writings" ("writing" as defined by Cal. Evid. Code §250), showing the number of vehicles seized pursuant to Cal. Veh. Code §21100.4 and seized at the direction of an employee of the City of Los Angeles.

Under the California Public Records Act, you have ten days within which to respond to this request. If you decline to provide the requested items, you must justify such withholding pursuant

City Clerk  
General Manager Seleta Reynolds  
City of Los Angeles  
December 15, 2015  
Page 2

to Cal. Gov't Code §6255. If I am required to bring a lawsuit to obtain these records, I will be entitled to attorneys fees under the Public Records Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Cynthia Anderson-Barker", with a stylized, cursive script.

Cynthia Anderson-Barker

CAB:ms